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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,647	03/23/2001	Steven C. Johnson	10003561-1	4626

7590 03/04/2004
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,647

Applicant(s)

JOHNSON ET AL.

Examiner

Matthew s Gart

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Mh

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-22 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-22 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 2-22 and 25-30 remain pending in the instant application. The applicant added claims 28-30, amended claims 5, 7, 9, 11, 12, and 14-17 and have canceled claims 23 and 24 via Paper No. 10. Claim 1 was canceled via Paper No. 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flowers, Jr. et al. (U.S. Patent No. 5,533,174)(hereafter "Flowers") in view of Ying, et al. (International Publication Number WO 01/18681 A2)(hereafter "Ying").

Flowers discloses a method of distributing and installing print device fonts (col. 1, lines 34-40).

The method comprises, *inter alia*, obtaining a visitor's system configuration (col. 4, line 50-col. 5, line 5); permitting selection of compatible fonts (col. 3, lines 22-25); and authorizing transfer of selected fonts (col. 5, lines 17-39).

Flowers does not disclose a website allowing purchase of downloadable printer fonts. Flowers also does not disclose, via the web site, displaying potential estimated performance gains that may result from the purchase of a set of fonts other than the set

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of fonts requested by a visitor. Flowers does, however, identify that the user must be licensed to download desired fonts (col. 5, lines 21-29).

Ying discloses a method of conducting electronic commerce on an internetwork providing at least one server computer selling fonts and one or more client computers from which a user can access such a server computer (page 7). Ying discloses (Figure 50) the use of a website whereby a customer can click on an icon in order to select and buy fonts.

Ying further discloses via the web site, displaying potential estimated performance gains that may result from the purchase of a set of fonts other than the set of fonts requested by a visitor. Ying's method includes an interface that allows a user to indicate the selection of a font to be matched. The method further includes performing pattern matching between the character-font shape of one or more characters of the user selected font to be matched and the character-font shapes of corresponding characters in each of a plurality of fonts available for sale from the server (page 7 and page 8). The method causes the interface to display a representation of each of one or more of the best matching fonts as user selectable fonts, including displaying one or more character-font shapes from each such best matching font. This process of determining the "best matching font," enables a user to choose the font which would work best within the user's operating system.

It would have been obvious to one of ordinary skill in the art to have provided the method and system of flowers to have incorporated a website of the type demonstrated by Ying in order that users of personal computers (of the type taught by Flowers: col. 1,

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line 13) would have been able to have fully realized the functionality of the Flowers method and system in a web-based internet available environment in their home.

Response to Arguments

Applicant's arguments filed 29 October 2003 have been fully considered but they moot in view of the new grounds for rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

http://web.archive.org/web/*/www.font.net, Internet Archive Wayback Machine
<Retrieved from Internet, February 26, 2004>, January 25, 1999: discloses an online font services shop.

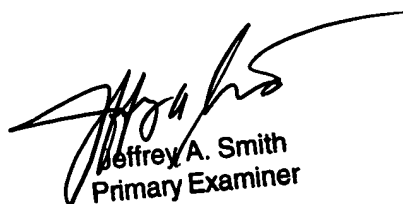
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

MSG

February 26, 2004



Jeffrey A. Smith
Primary Examiner